

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

May 4, 2010

The Real Estate Appraiser Board met at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

Diane Quigley, Chair
Richard Pruitt
John C. Harry
H. Glenn James
Ryan A. Myers
Betsy Critzer
Douglas Mullins, Jr.

Board member not present:

Harry Lewis, Jr.
Sandra Johnson

DPOR Staff present for all or part of the meeting included:

Jay DeBoer, Director
Mark Courtney, Deputy Director
Nick Christner, Deputy Director
Christine Martine, Executive Director
Kevin Hoeft, Board Administrator
Bonnie Rhea Adams, Director of Complaint
Analysis, & Resolution
Earlyne Perkins, Legal Analyst
Emily Trent, Administrative Assistant

Elizabeth Peay from the Office of the Attorney General was present.

Chair Diane Quigley called the meeting to order at 10:10 AM.

Call to Order

A motion was made by Mr. Harry and seconded by Mr. Mullins to approve the agenda. The motion passed unanimously. Members voting "Yes" were Critzer, James, Pruitt, Harry, Mullins and Quigley.

Approval of Agenda

A motion was made by Ms. Critzer and seconded by Mr. Pruitt to

Approval of Minutes

approve the following minutes: February 19, 2010, Informal Fact-Finding Conference; February 23, 2010, Board Meeting; March 11, 2010, Informal Fact-Finding; and March 11, 2010, Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Critzer, James, Pruitt, Harry, Mullins and Quigley.

Jayne Allen addressed the Board concerning a potential complaint. No action was taken by the Board.

Public Comment

In the matter of **File Number 2010-03058, Donald Gowen**, the Board reviewed the application file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Gowen, applicant, and Mr. Gowen, witness, were present and addressed the Board. A motion was made by Ms. Quigley and seconded by Mr. Mullins to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Gowen's application for a Real Estate Appraiser Trainee license. The motion passed unanimously. Members voting "Yes" were Critzer, James, Pruitt, Harry, Mullins and Quigley.

File Number 2010-03058,
Donald Gowen

Board member Ryan Myers arrived at 10:20 a.m.

Arrival of Board Member

In the matter of **File Number 2010-00056, Elizabeth M. Horne**, the Board reviewed the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference. Scott Crawley, attorney for the respondent, and Elizabeth M. Horne, respondent, were present and addressed the Board. A motion was made by Ms. Quigley and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and close Count 1 with a finding of no violations of 18 VAC 130-20-180.D of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were James, Pruitt, Harry, Mullins, Myers and Quigley.

File Number 2010-00056,
Elizabeth M. Horne

A motion was made by Ms. Quigley and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and close Count 2 with a finding of no violation of 18 VAC 130-20-180.E of the Board's 2003 Regulations. The motion passed unanimously. Members voting

“Yes” were James, Pruitt, Harry, Mullins, Myers and Quigley.

As the Board member who reviewed the file, Ms. Critzer did not participate in the discussion or vote on this matter.

In the matter of **File Number 2010-00276, Douglas L. Honeycutt**, the Board reviewed the investigative file, the transcript and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Mr. Pruitt and seconded by Ms. Critzer to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.D (Count 1), of the Board’s 2008 Regulations, a violation of 18 VAC 130-20-180.D (Count 2), of the Board’s 2008 Regulations, and a violation of 18 VAC 130-20-180.E (Count 3), of the Board’s 2008 Regulations. The motion passed unanimously. Members voting “Yes” were Myers, Critzer, Pruitt, Mullins, Quigley and James.

File Number 2010-00276,
Douglas L. Honeycutt

A motion was made by Ms. Quigley and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$400.00 for the violation contained in Count 1, \$400.00 for the violation contained in Count 2, \$400.00 for the violation contained in Count 3, for a total of \$1,200.00. In addition, the Board imposes probation of license for the violations contained in Count 1-3 until such time as Honeycutt presents evidence acceptable to the Board that he has completed an upper level Residential Appraisal Course approved by the Appraisal Foundation or by the Board. Such course shall be a minimum of 30 classroom hours and shall not be completed on-line, and shall be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced course will not count towards any continuing or pre-license education requirements needed for license renewal, reinstatement, or license upgrade. The motion passed unanimously. Members voting “Yes” were Myers, Critzer, Pruitt, Mullins, Quigley and James.

As the Board member who reviewed the file, Mr. Harry did not participate in the discussion or vote on this matter.

In the matter of **File Number 2010-00862, Raja Ahmad Raza**, the Board reviewed the investigative file, the transcript and exhibits from the Informal Fact-Finding Conference, and the Summary of the

File Number 2010-00862,
Raja Ahmad Raza

Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Quigley and seconded by Mr. Myers to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.D (Count 1), of the Board's 2003 Regulations, and a violation of 18 VAC 130-20-180.E (Count 2), of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Myers, Critzer, Harry, Mullins, Quigley and James.

A motion was made by Mr. James and seconded by Ms. Critzer to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$500.00 for the violation contained in Count 1, and \$500.00 for the violation contained in Count 2, for a total of \$1,000.00. The Board also imposes the following sanctions: As to Count 1 and Count 2, probation of license until such time as Raza completes an upper level Residential Appraisal Course approved by the Appraisal Foundation or by the Board. Such course shall be a minimum of 30 classroom hours (no on-line courses). Raza must present evidence acceptable to the Board of the course completion. It is acknowledged that satisfactory completion of the above-referenced course will not count towards any continuing or pre-license education requirements needed for renewal of license or education to upgrade a license. It is noted Raza provided a copy of a continuing education class he completed subsequent to the IFF and prior to the Board meeting. The Board accepts the documentation as compliance with the Probation sanction referenced in Count 1 and Count 2. The motion passed unanimously. Members voting "Yes" were Myers, Critzer, Harry, Mullins, Quigley and James.

As the Board member who reviewed the file, Mr. Pruitt did not participate in the discussion or vote on this matter.

In the matter of **File Number 2010-04230, W. Justin Drinkwater**, the Board reviewed the investigative file, the transcript and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Quigley and seconded by Ms. Critzer to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.D (Count 1), of the Board's 2008 Regulations; a violation of 18 VAC 130-20-180.H.1 (Count 2), of the Board's 2008 Regulations; a

File Number 2010-04230,
W. Justin Drinkwater

violation of 18 VAC 130-20-180.K.7 (Count 3), of the Board's 2008 Regulations; a violation of 18 VAC 130-20-180.K.8 (Count 4) of the Board's 2008 Regulations; and a violation of 18 VAC 130-20-180.B.1.a (Count 5) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Myers, Critzer, Harry, Mullins, Quigley and Pruitt.

A motion was made by Ms. Quigley and seconded by Mr. Myers to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$500.00 for the violation contained in Count 1, for a total of \$500.00. The Board also imposes the following: revocation of license for the violation of Count 2, Count 3, Count 4 and Count 5. The motion passed unanimously. Members voting "Yes" were Myers, Critzer, Harry, Mullins, Quigley and Pruitt.

As the Board member who reviewed the file, Mr. James did not participate in the discussion or vote on this matter.

Ms. Quigley turned the position of Chair over to Mr. Mullins

Transfer of Chair

In the matter of **File Number 2010-00513, Martin C. Cho**, the Board reviewed the Consent Order as seen and agreed to by Mr. Cho. A motion was made by Mr. Harry and seconded by Ms. Critzer to accept the proposed Consent Order wherein Mr. Cho admits to a violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 130-20-180.D (Count 2) of the Board's 2008 Regulations, and a violation of 18 VAC 130-20-180.D (Count 3) of the Board's 2008 Regulations and agrees to a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 2, and \$500.00 for the violation contained in Count 3, as well as \$150.00 in Board costs for a total of \$2,650.00. In addition, Cho is required to complete a classroom 15-hour USPAP course approved by the Appraisal Foundation or the Board within six (6) months of the effective date of the Order. Such course shall not be a distance education course. Upon successful course completion, Cho shall provide the Board with proof of passing the exam. It is acknowledged that satisfactory completion of the above-referenced course will not count towards any continuing or pre-license education requirements needed for license renewal, reinstatement, or license upgrade.

File Number 2010-00513, Martin C. Cho

As the Board member who reviewed the file, Ms. Quigley did not participate in the discussion or vote on this matter.

Ms. Quigley returned and assumed the position of Chair.

Transfer of Chair

Mr. DeBoer thanked the Board for their service during his tenure. No action was taken by the Board.

Administrative Issues

Mr. Hoeft addressed the Board concerning possible articles for the Real Estate Appraiser Board newsletter. No action was taken by the Board.

New Business

There being no further business, the meeting adjourned at 11:00 A.M.

Adjourn

Diane Quigley, Chair

Gordon Dixon, Secretary